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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 INDEPENDENT TECHNOLOGIES, LLC, a
9 Delaware Corporation, d/b/a ANOVA,

10 Plaintiff,

11 vs.

12 OTODATA WIRELESS NETWORK, INC., a
13 Quebec, Canada Corporation, et al.,

14 Defendants.

3:20-cv-00072-RCJ-CLB

ORDER

15 Pending a hearing on whether this Court should issue a preliminary injunction, this Court
16 finds good cause to extend the temporary restraining order to March 23, 2020 finding the
17 following:

- 18 1. Plaintiff is likely to succeed in showing that Defendants misappropriated and used
19 Plaintiff's confidential and trade secret information to solicit Plaintiff's customers.
- 20 2. Plaintiff is likely to succeed in showing that Defendants Steven and Brian
21 Rechenmacher breached their confidentiality obligations by taking Plaintiff's
22 confidential and proprietary trade secret information without permission and by
23 using that information to solicit Plaintiff's customers, at the direction and for the
24 benefit of Otodata.

1 3. Defendants' use of Plaintiff's confidential and trade secret information has already
2 resulted, and will continue to result, in immediate and irreparable injury to Plaintiff
3 in the form of loss of goodwill, loss of property interest in the information due to
4 the information's diminished value to Plaintiff, and damage to Plaintiff's business
5 reputation and relationships with its customers.

6 4. The harm to Plaintiff in denying the requested temporary restraining order
7 outweighs the potential harm to the legitimate interests of Defendants from granting
8 such an order.

9 5. It appears to the Court that Defendants are using Plaintiff's confidential information
10 and soliciting Plaintiff's customers and will continue to carry out such acts unless
11 restrained by Order of the Court.

12 IT IS HEREBY ORDERED that Defendants Steven and Brian Rechenmacher, Defendant
13 Otodata and its employees, agents, servants, confederates, attorneys, and any person or entity
14 acting in concert or participation with Defendant Otodata or Defendants Steven and Brian
15 Rechenmacher, are hereby immediately and temporarily restrained from:

16 1. Directly or indirectly soliciting, by mail, phone, electronic communication,
17 personal meeting, or any other means, any Plaintiff customer who Defendants
18 Steven and Brian Rechenmacher served or whose name become known to
19 Defendants Steven and Brian Rechenmacher during their employment with
20 Plaintiff and/or through their misappropriation of Plaintiff's confidential and trade
21 secret information. Solicit means to initiate any contact or communication, of any
22 kind whatsoever, for the purpose of inviting, encouraging, or requesting any
23 customer of Plaintiff, to withdraw, curtail, or cancel any of its business or relations
24 with Plaintiff.

1 2. Directly or indirectly using, disclosing, or transmitting for any purpose Plaintiff's
2 trade secrets, and/or confidential or proprietary information pertaining to Plaintiff,
3 its employees, its operations, and/or its customers.

4 IT IS FURTHER ORDERED that this temporary restraining order be and is hereby
5 conditioned upon Plaintiff filing with the Clerk of this Court no later than 5:00 P.M. on March 6,
6 2020, an undertaking in the form of a bond, a certified, cashier's or attorney's check, or cash, in
7 the amount of \$5,000.00 to secure the payment of such costs and damages as may be incurred or
8 suffered by any party who is found to have been wrongfully enjoined or restrained hereby.

9 IT IS FURTHER ORDERED that Plaintiff shall submit to Defendants' counsel—and *for*
10 *counsel's eyes only*—a copy of Plaintiff's client list as specified in the hearing on March 2, 2020
11 by March 9, 2020.

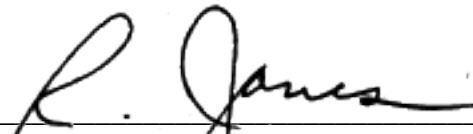
12 IT IS FURTHER ORDERED that Plaintiff and Defendants shall submit to the Court
13 declarations of witnesses whose testimony is relevant to the parties' claims and defenses regarding
14 this motion and an appropriate amount of bond by March 16, 2020.

15 IT IS FURTHER ORDERED that Defendants are ordered to show cause at 9:00 A.M.,
16 Wednesday, March 23, 2020, in Reno Courtroom 3, before Judge Robert C. Jones, located at the
17 Bruce R. Thompson U.S. Courthouse and Federal Building, 400 South Virginia Street, Reno,
18 Nevada, why Defendants' agents, servants, employees, confederates, attorneys and any persons
19 acting in concert or participation with any of Defendants, should not be ordered to, without delay,
20 cease conduct in breach of federal law, Nevada law, and the confidentiality obligations of
21 Defendants Steven and Brian Rechenmacher; cease use of Plaintiff's proprietary information;
22 cease solicitation of Plaintiff's customers; and to destroy and certify destruction of any and all
23 copies of Plaintiff's confidential and proprietary trade secret information, in whatever format, in
24 Defendants' possession.

1 IT IS FURTHER ORDERED that, unless otherwise ordered by this Court, this Temporary
2 Restraining Order is and shall remain in full force and effect until 5:00 P.M., Monday, March 23,
3 2020.

4 IT IS SO ORDERED.

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6 Dated March 3, 2020.

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9 ROBERT C. JONES
United States District Judge
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